

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES,)
P.C., SPECIAL DEPUTY RECEIVER OF)
LINCOLN MEMORIAL LIFE INSURANCE)
COMPANY, MEMORIAL SERVICE LIFE)
INSURANCE COMPANY, AND NATIONAL)
PREARRANGED SERVICES, INC., ET AL.,)

Plaintiffs,)

Case No. 09-CV-1252-ERW

vs.)

J. DOUGLAS CASSITY; RANDALL K.)
SUTTON; BRENT D. CASSITY; J. TYLER)
CASSITY; RHONDA L. CASSITY; ET AL.,)

Defendants.)

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS
BMO HARRIS BANK, N.A.; MARSHALL & ILSLEY TRUST COMPANY, N.A.;
AND SOUTHWEST BANK, AN M&I BANK**

Pursuant to Fed. R. Civ. P. 41(a), Plaintiffs Jo Ann Howard and Associates, P.C., Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; the Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association (collectively the “Plaintiffs”); and Defendants BMO Harris Bank, N.A.; Marshall & Ilsley Trust Company, N.A.; and Southwest Bank, an M&I Bank (collectively the “BMO Defendants”) hereby stipulate to the dismissal with prejudice of the BMO Defendants, and of all of Plaintiffs’

claims against the BMO Defendants, in the above-entitled action, all matters in controversy between the Plaintiffs and the BMO Defendants having been settled, compromised, and adjourned. Each party shall bear its own costs and attorneys' fees.

Dated: December 16, 2014

BMO HARRIS BANK, N.A.;
MARSHALL & ILSLEY TRUST
COMPANY, N.A.; and
SOUTHWEST BANK, AN M&I BANK

s/ Lawrence R. Desideri

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Respectfully submitted,

JO ANN HOWARD AND ASSOCIATES,
P.C., IN ITS CAPACITY AS SPECIAL
DEPUTY RECEIVER OF LINCOLN
MEMORIAL LIFE INSURANCE
COMPANY, MEMORIAL SERVICE LIFE
INSURANCE COMPANY, AND
NATIONAL PREARRANGED SERVICES,
INC.; THE NATIONAL ORGANIZATION
OF LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATIONS; THE
MISSOURI LIFE & HEALTH INSURANCE
GUARANTY ASSOCIATION; THE TEXAS
LIFE & HEALTH INSURANCE
GUARANTY ASSOCIATION; THE
ILLINOIS LIFE & HEALTH INSURANCE
GUARANTY ASSOCIATION; THE
KANSAS LIFE & HEALTH INSURANCE
GUARANTY ASSOCIATION; THE
OKLAHOMA LIFE & HEALTH
INSURANCE GUARANTY ASSOCIATION;
THE KENTUCKY LIFE & HEALTH
INSURANCE GUARANTY ASSOCIATION;
AND THE ARKANSAS LIFE & HEALTH
INSURANCE GUARANTY ASSOCIATION

s/ Wendy B. Fisher

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 2014 the foregoing instrument was filed electronically with the Clerk of the Court and served upon all counsel of record via the Court's CM/ECF system. I further certify that a true and correct copy of the foregoing instrument was served via First-Class U.S. Mail, postage prepaid, upon the following nonparticipants in Electronic Case Filing on December 16, 2014:

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By: s/ Wendy B. Fisher
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